

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2004-1775-PST-E TCEQ ID NO: RN101551299 CASE NO.: 23847
RESPONDENT NAME: IZR CORPORATION DBA GARLAND FINA

Page 1 of 2

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 3101 Saturn Road, Garland, Dallas County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 29, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Audra Ruble, Air Enforcement Section, MC R-14, (361) 825-3126</p> <p style="margin-left: 20px;">TCEQ Regional Contact: Mr. Samuel Barrett, DFW Regional Office, MC R-4, (817) 588-5903</p> <p style="margin-left: 20px;">Respondent: Mr. Kenneth Ramey, Registered Agent, IZR Corporation, 2624 Park Ridge Road, Flower Mound, Texas 75022</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 18, 2004</p> <p>Date of NOV and NOE Relating to this Case: November 24, 2003-NOV October 7, 2004-NOE</p> <p>Background Facts:</p> <p>The EDPRP was filed on April 19, 2005. The EDFARP was filed on March 19, 2007. The Respondent received notice of both, but never filed an Answer.</p> <p>There are three Default Order cases pending against this Respondent: Docket No. 2003-1116-PST-E, Docket No. 2004-1775-PST-E, and Docket No. 2007-0409-PST-E; and this Respondent was indicted in June 2007 for a 2nd degree felony for tampering with a governmental record (delivery certificate).</p> <p>PST</p> <p>Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p>Total Assessed: \$2,540</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$2,540</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalties but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor <input type="checkbox"/> N/A</p> <p>Person Compliance History Classifications: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor <input type="checkbox"/> N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions</p> <p>The Respondent no longer owns or operates the Facility. It was transferred to a new owner on March 3, 2008.</p>



DATES	Assigned	28-Oct-2004	Screening	04-Nov-2004	Priority Due	27-Dec-2004	EPA Due	
	PCW	12-Jan-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	IZR Corporation dba Garland Fina
Reg. Ent. Ref. No.	RN101551299
Additional ID No(s)	Petroleum Storage Tank Registration No. 72525
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	23847	No. of Violations	1
Docket No.	2004-1775-PST-E	Order Type	Findings
Case Priority	3	Enf. Coordinator	Audra L. Ruble
Media Program(s)	Petroleum Storage Tank	EC's Team	Enforcement Team 8
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	27% Enhancement	Subtotals 2, 3, & 7	\$540
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Notes: Enhancement for one NOV with same or similar violations dated June 24, 2003, one NOV and one Agreed Final Order for dissimilar violations dated October 21, 1999 and March 7, 2003 respectively.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent is not yet in compliance.

Economic Benefit	0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$1,365
Approx. Cost of Compliance	\$1,300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,540
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$2,540
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,540
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DEFERRAL	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral recommended because this is not an expedited case.

PAYABLE PENALTY	\$2,540
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Screening Date 04-2004

Docket No. 2004-1775-PST

PCW

Respondent IZFL Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 23847

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101551299

Additional ID No(s). Petroleum Storage Tank Registration No. 72525

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Site Address 3101 Saturn Road, Garland, Dallas County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations dated June 24, 2003, one NOV and one Agreed Final Order for dissimilar violations dated October 21, 1999 and March 7, 2003 respectively.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 04-2004

Docket No. 2004-1775-PST

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 23847

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101551299

Additional ID No(s). Petroleum Storage Tank Registration No. 72525

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 1

Primary Rule Cite(s) 30 TAC § 37.815(a) and (b)

Secondary Rule Cite(s)

Violation Description

Failure to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Harm				Percent
Release	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			
Matrix Notes				
100% of the rule requirement was not met.				

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,000

Two single events are recommended for the two tanks owned by the respondent as documented by the record review conducted on August 18, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,365

Violation Final Penalty Total \$2,540

This violation Final Assessed Penalty (adjusted for limits) \$2,540

Economic Benefit Worksheet

Respondent IZR Corporation dba Garland Fina
 Case ID No. 23847
 Reg. Ent. Reference No. RN101551299
 Additional ID No(s). Petroleum Storage Tank Registration No. 72525
 Media [Statute] Petroleum Storage Tank
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description	No commas or \$						

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,300	02-Apr-2002	02-Apr-2003	1.0	\$65	\$1,300	\$1,365
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for two petroleum USTs (\$650 per tank). Date required (4/2/2002) is one year prior to the initial request to submit proof of financial assurance on 4/02/2003.

Approx. Cost of Compliance \$1,300

TOTAL \$1,365

Compliance History

Customer/Respondent/Owner-Operator:	CN600818553	IZR CORPORATION	Classification: AVERAGE	Rating: 6.860
Regulated Entity:	RN101551299	GARLAND FINA	Classification: AVERAGE	Site Rating: 6.86
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	72525	
Location:	3101 SATURN RD, GARLAND, TX, 75041	Rating Date: 9/1/04	Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	January 11, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 11, 2000 to January 11, 2005			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Howard G. Willoughby Phone: (361) 825-3140

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 3/7/03

ADMINORDER 2002-0573-PST-E

Classification: Moderate

Citation: 2C TWC Chapter 20, SubChapter A 26.346(a)

30 TAC Chapter 334, SubChapter A 334.8(c)(4)(B)

Description: Failed to fully and accurately complete and submit a UST registration and self-certification form to the TCEQ in a timely manner.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|-------------------|
| 1 | 07/23/2001 | (IE0017514001001) |
| 2 | 06/24/2003 | (276679) |
| 3 | 04/11/2003 | (26799) |
| 4 | 11/09/2004 | (340714) |
| 5 | 04/05/2000 | (47974) |
| 6 | 10/08/2004 | (290417) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/24/2003 (276679)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]

30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance

Date: 10/21/1999 (142795)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)[G]

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.7(a)(1)[G]

Description: FAILURE TO COMPLY

F. Environmental audits.

N/A

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
IZR CORPORATION DBA
GARLAND FINA,
RN101551299**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2004-1775-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the revocation of the respondent's underground storage tank delivery certificate and the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is IZR Corporation dba Garland Fina ("IZR").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. IZR owned and operated a convenience store with retail sales of gasoline located at 3101 Saturn Road in Garland, Dallas County, Texas (the "Facility").
2. IZR's two underground storage tanks ("USTs") were not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. IZR's USTs contained a regulated substance as defined in the rules of the Commission.
3. During a record review conducted on August 18, 2004, the TCEQ Financial Assurance Division documented that IZR failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.
4. IZR received notices of the violations on or about October 12, 2004.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina" (the "EDPRP") in the TCEQ Chief Clerk's office on April 19, 2005.
6. By letter dated April 19, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served IZR with notice of the EDPRP. According to the return receipt "green card", IZR received notice of the EDPRP on April 23, 2005, as evidenced by the signature on the card.
7. More than 20 days have elapsed since IZR received notice of the EDPRP, provided by the Executive Director. IZR failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.
8. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina" (the "EDFARP") in the TCEQ Chief Clerk's office on March 19, 2007.
9. By letter dated March 19, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served IZR with notice of the EDFARP. According to the return receipts "green cards", IZR received notice of the EDFARP on March 21, 2007 and May 5, 2007, as evidenced by the signatures on the cards.
10. More than 20 days have elapsed since IZR received notice of the EDFARP, provided by the Executive Director. IZR failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, IZR is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 5.013 and ch. 26, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, IZR has failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).

3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served IZR with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, IZR has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against IZR and assess the penalty recommended by the Executive Director.
5. As evidenced by Finding of Fact Nos. 8 and 9, the Executive Director has timely served IZR with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 10, IZR has failed to file a timely answer to the EDFARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against IZR and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against IZR for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of two thousand five hundred forty dollars (\$2,540.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
10. Pursuant to 30 Tex. Admin. Code § 334.8(c)(6), the Commission has authority to revoke IZR's UST delivery certificate if the Commission finds that good cause exists.
11. Good cause for revocation of IZR's delivery certificate exists as justified by Findings of Fact Nos. 3-10 and Conclusion of Law Nos. 2-10.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. IZR Corporation is assessed an administrative penalty in the amount of two thousand five hundred forty dollars (\$2,540.00) for violations of TEX. WATER CODE ch. 26 and rules of the TCEQ. The payment of this administrative penalty and IZR's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: IZR Corporation dba Garland Fina; Docket No. 2004-1775-PST-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon IZR. The Executive Director recognizes that Respondent no longer owns or operates the Facility.
4. If IZR fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, IZR's failure to comply is not a violation of this Order. IZR shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. IZR shall notify the Executive Director within seven days after IZR becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by IZR shall be made in writing to the Executive Director. Extensions are not effective until IZR receives written approval from the

Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to IZR if the Executive Director determines that IZR has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF REBECCA M. COMBS

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina' (the 'EDPRP') was filed with the Office of the Chief Clerk on April 19, 2005.

The EDPRP was sent to IZR Corporation at its last known address on April 19, 2005 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt 'green card', IZR Corporation received notice of the EDPRP on April 23, 2005, as evidenced by the signature on the card.

More than 20 days have elapsed since IZR Corporation received notice of the EDPRP. IZR Corporation failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina' (the 'EDFARP') with the Office of the Chief Clerk on March 19, 2007.

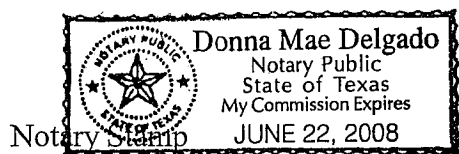
The EDFARP was sent to IZR Corporation at its last known address on March 19, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipts 'green cards', IZR Corporation received notice of the EDPRP on March 21, 2007 and May 5, 2007, as evidenced by the signatures on the cards.

More than 20 days have elapsed since IZR Corporation received notice of the EDFARP. IZR Corporation failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.”

Rebecca M. Combs
Rebecca M. Combs
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rebecca M. Combs known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 27th day of July, 2007.



Donna Mae Delgado
Notary Signature